



**Virginia
Regulatory
Town Hall**

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	Virginia Department of Social Services
VAC Chapter Number:	22 VAC 40-305-10
Regulation Title:	Cash Assistance for Two-Parent Families
Action Title:	Establish Cash Assistance for Two-Parent Families
Date:	June 15, 2000

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

The purpose of this regulation shall be to establish a separate state program, as that term is defined by federal regulations governing the Temporary Assistance for Needy Families (TANF) program, 45 CFR §260.30, for the purpose of providing cash assistance payments to able-bodied two-parent families. The separate state program shall be funded by state funds and operated outside of the TANF program.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

Pursuant to §63.1-25 of the Code of Virginia, the State Board of Social Services has authority to promulgate rules and regulations necessary for operation of all assistance programs.

The 2000 Virginia Acts of Assembly, State Budget Item 381 B (<http://leg1.state.va.us/cgi-bin/legp504.exe?001+bud+21-381>), mandates the Department of Social Services to establish a separate state program for the purpose of providing welfare cash assistance payments to able-bodied two-parent families. These regulations are necessary for the state to regulate a separate state two-parent cash assistance program and make emergency regulations that will be promulgated before April 2001.

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

The separate state program regulation will establish program rules for a cash assistance program for two-parent families to be funded by state funds and operated outside of the Temporary Assistance to Needy Families (TANF) program.

Most of the conditions and eligibility requirements will be the same for the separate state program as in the TANF program, however, the Department of Social Services is investigating changes in the following areas:

- ? requiring both parents' signatures on the application;
- ? mandatory assessments of both parents in Virginia Initiative for Employment not Welfare (VIEW);
- ? applicant job search and/or job readiness programs;
- ? reviewing the 90 day period in which the recipient must be in a work activity;
- and
- ? considering changes to exempt resources and the resource limit.

The basic benefit payment for which families are eligible under the separate state program will not be less than what they would have received under TANF.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

The following alternatives have been considered:

1. Provide cash assistance and employment services to able-bodied two-parent families through the Temporary Assistance for Needy Families (TANF) program. This is the current arrangement. To avoid a state sanction for failure to meet the two-parent work participation rate, the 2000 Virginia Acts of Assembly directed the Department of Social Services to establish a separate state program.
2. Provide cash assistance and employment services to able-bodied two-parent families using state funds and current TANF rules. This arrangement would be considered a segregated state program. As such, it would be subject to federal work participation requirements and penalties.
3. Provide cash assistance and employment services to able-bodied two-parent families using state funds and rules designed specifically for two-parent families. Under this arrangement, the federal work participation requirements and penalties will no longer apply.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Parents in the home, pursuing and/or gainfully employed will provide positive role models for their children. Providing cash assistance as these families seek self-sufficiency strengthens the occasion for both parents to participate in the education, nurturing, and supervision of their children on a daily basis, thereby keeping families intact.

This regulation encourages the economic self-sufficiency, self-pride and assumption of responsibility of both parents for their children as well as the family unit as a whole. With the potential for greater allowable reserves, parents will be able to acquire resources that will permit both parents to seek and keep employment.

This regulation encourages parents to continue a level of stability in the lives of their children that may eventually lead to marriage. Allowing families to grow together towards economic self-sufficiency should prevent the financial stress that often causes families in poverty to break up.

The disposable family income should increase as both parents pursue gainful employment. The overall goal of this program will be to encourage able-bodied parents to move from welfare to work, in a manner that will allow the parents to maintain integrity and pride.